



Security Council

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Letter dated 28 March 2003 from the Permanent Representative of Iraq to the United Nations addressed to the President of the Security Council

On instructions from my Government, I transmit to you herewith a letter dated 28 March 2003 from Mr. Naji Sabri, Minister for Foreign Affairs of the Republic of Iraq, concerning steps being taken by the Security Council to amend the memorandum of understanding of 20 May 1996 between the Government of Iraq and the Secretariat of the United Nations (see annex).

I should be grateful if you would have the present letter and its annex circulated as a document of the Security Council.

(Signed) Mohammed A. Aldouri
Permanent Representative



Annex to the letter dated 28 March 2003 from the Permanent Representative of Iraq to the United Nations addressed to the President of the Security Council

We have learned that consultations are taking place in the Security Council concerning an amendment to the memorandum of understanding of 20 May 1996 between the Government of the Republic of Iraq and the Secretariat of the United Nations on the implementation of Security Council resolution 986 (1995).

We find it odd that the Security Council should proceed to have such discussions at a time when it should be assuming its primary responsibility under the Charter of the United Nations to maintain international peace and security and to suppress aggression, following the launching by the United States and the United Kingdom of their large-scale military attack by land, sea and air against Iraq at dawn on Thursday, 20 March 2003. The two countries announced that the objective of the attack was to occupy Iraq and to change its political regime as a first step towards changing the political map of the Middle East region, to ensure the interests of the United States and Israel. Considering that the American-British invasion and aggression against Iraq is a grave threat to international and regional peace and security, the international community expects the Security Council to take the necessary measures under Chapter VII of the Charter to restore international peace and security and to suppress the aggression, rather than to engage in premature discussion of one of the aggression's by-products, thus serving the interests of its perpetrators, without regard to their criminal aggression against the people of Iraq, the Charter of the United Nations, the international community and its values.

Any discussion of an amendment to the memorandum of understanding and the oil-for-food programme without Iraq's participation is a blatant violation of Security Council resolution 986 (1995) and brooks no justification whatsoever. The programme was operating with full cooperation between the Government of Iraq and the Secretariat of the United Nations until the Secretariat decided on 17 March 2003 to withdraw the programme's staff from Iraq on the grounds of fears for the safety of international staff arising from an American-British attack on that country. There is no legal or moral basis for such a pretext. The programme's staff should return to Iraq and resume their work, as a deterrent to the aggression; instead, the Security Council is ignoring the attack and discussing ways of dealing with one of its results in a manner which violates its own resolutions, including resolution 986 (1995).

In discussing modifications to the memorandum of understanding and the oil-for-food programme, I should like to remind you that the fifth preambular paragraph of resolution 986 (1995) reaffirms the commitment of all Member States to the sovereignty, territorial integrity and political independence of Iraq. Operative paragraph 18 affirms that "nothing in this resolution should be construed as infringing the sovereignty or territorial integrity of Iraq". Furthermore, the memorandum of understanding of 20 May 1996 between the Government of Iraq and the Secretary-General sets out in detail all the arrangements for implementation of the programme. Thus, the Government of Iraq exports oil and submits a plan for the purchase of humanitarian supplies for approval by the Secretary-General. The Government of Iraq then contracts to purchase such humanitarian supplies, takes delivery and distributes them to the Iraqi people. The Secretariat's role is restricted to observing the exportation of oil and the importation and distribution of humanitarian supplies. Due to the anomalous situation in the three northern

Governorates, it was decided that United Nations agencies should distribute humanitarian supplies there on behalf of the Government of Iraq, in the framework of a distribution plan drawn up by the Government of Iraq with due regard for that country's sovereignty and territorial integrity.

It is thus clear that the oil-for-food programme is a contract between the United Nations and the Republic of Iraq. The legal precept is "*pacta sunt servanda*"; if one party violates the conditions of the contract, the other party is absolved of its obligations thereunder. I therefore wish to inform you that the Government of Iraq categorically rejects any amendments which may be imposed on the memorandum of understanding without its consent. Any arrangements made on the basis of such amendments are categorically rejected by the Government of Iraq. Iraq will not export a single barrel of oil unless in the framework of the memorandum of understanding to which it became a party and gave its consent. I wish to inform you that the Government of Iraq will treat any other attempt outside this framework as an operation designed to loot and steal the resources of the Iraqi people, regardless of the cover used for such an attempt. We shall consider it to be an aggressive act and a component of the American-British aggression against Iraq. The party making such an attempt will bear full legal responsibility for this theft. We shall extend the same categorical rejection to the unlawful attempted acts of piracy which certain parties intend to commit against Iraq's assets in the United Nations "Iraq account" or against goods purchased by Iraq under the programme, and now on their way to the country, in an attempt to use them for purposes and under arrangements unforeseen in resolution 986 (1995) and the memorandum of understanding.

The Government of Iraq, which has assumed responsibility for meeting the Iraqi people's humanitarian requirements since the imposition of the unjust blockade on 6 August 1990, pledges to cover the Iraqi people's requirements under all circumstances. Accordingly, any attempt to bring any supplies into Iraq without its consent, under the cover of so-called humanitarian assistance, is designed to embellish the odious American-British aggression and to disguise its wicked colonialist purposes. It is thus a part of the colonialist American-British operation of aggression against Iraq.

The whole international community has condemned this invasion and aggression as a flagrant violation of the principles of international law and the Charter of the United Nations, an offence against international legitimacy, a grave threat to international peace and security and a blatant act of defiance against the international community and world public opinion. The countries of the world have issued statements which deplore the invasion and call for an immediate cessation and withdrawal of the invading forces from Iraqi territory. These include the resolution adopted by the Council of Arab Ministers for Foreign Affairs at its conference on 24 March 2003, which condemned the American-British aggression, called for an immediate and unconditional withdrawal of the invading American-British forces from Iraqi territory and imposed on those forces the material, moral and legal responsibility for the aggression.

It is the aggression and the American-British invasion which are the essential cause of the Iraqi people's suffering. The only way to deal with this suffering is for the Security Council immediately to assume its responsibilities and to take a decision leading to an immediate cessation of the American-British aggression against Iraq and an immediate and unconditional withdrawal of the invading forces

from Iraqi territory. The aggression, which began nine days ago, took civilians and civilian premises and facilities as its first target. The American-British forces are carrying out continuous raids on residential quarters in Iraqi cities and villages, at a rate of 1,000 air raids and 1,000 missiles each day, using proscribed weapons such as cluster bombs and depleted-uranium warheads. By 28 March 2003, the invasion and aggression had caused the death of 357 civilians and injuries to 3,650 others. The aggressors have also destroyed much of Iraq's economic and social infrastructure, including hospitals, schools, universities, roads, bridges, electric power stations, water purification plants, telephone exchanges and radio and television broadcasting stations. The hostile American and British forces are also laying siege to Iraqi cities such as Basra and Faw and depriving them of food and medical supplies. They are also besieging the main Iraqi port of Umm Qasr, destroying the port's jetties and preventing the delivery of shipments of food, medicines and other humanitarian requirements contracted for by the Government of Iraq under the memorandum of understanding and the oil-for-food programme. The American and British aggressor forces have even resorted to preventing ambulances from transporting the wounded for treatment outside the cities, in one of the most repugnant crimes of genocide, war crimes and crimes against humanity witnessed by our modern world. This crime continues to be committed before the eyes of the Security Council and the international community.

(Signed) Naji Sabri
Minister for Foreign Affairs of the Republic of Iraq